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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,517	10/05/1999	JAMES EDWIN HAILEY	RCA-88469	6040

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JOSEPH S TRIPOLI  
THOMSON MULTIMEDIA LICENSING INC  
PO BOX 5312  
PRINCETON, NJ 08540

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/402,517

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed 9/8/2003 have been fully considered but they are not persuasive.

1) Applicant argues, "The examiner in the office action does not cite where in Hoffman or Sampsell alone or in combination, where the claimed access data is disclosed." (Page 7)

Regarding applicants argument 1, Hoffmann discloses a system in which there are several independent EPGs which are collated together from a Telco, CATV, and DBS system to create a merged program guide, if a user selects an item from the merged menu, the merged database knows which interface carries the program and routes the data to the proper interface in order to view a desired program (column 5, lines 34-67), the merged database knows the data structure of the EPG information as well as the protocol used, EPG information may be read from control signals in control information sent by an information delivery company, or from VBI information transmitted in a program (column 6, line 65-column 7, line 13, column 8, lines 13-19), the program data may be stored locally, then a flow control processor 422, regulates the flow of data to the merged database 424 (column 7, lines 19-30). As Hoffmann discloses that near video on demand may be transmitted of the TELCO ASDL interface (column 5, lines 34-40), and that program information is read from the VBI or other control signals over each respective database, Hoffmann must retrieve access data from memory, in order to know where to receive the initial program information, as well

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as the address of the merged database on the Cxbus network to transmit the program information to the database.

2) Applicant argues, "Although the applicants acknowledge that Sampsell does that the disclosed system may use alternative busses, there is no teaching in Sampsell as to how to modify Hoffman as for "initiating communication automatically between said decoder and a second source external to said video decoder," as claimed in claim 1." (Page 8).

Regarding applicants argument 2, Hoffmann discloses a flow control processor 422, which may perform a search, execute user instructions, perform data updates at regular predetermined intervals to insure that the data isn't stale (column 7, lines 13-29). Thus Hoffman teaches automatically initiating communications with an external program information source. Sampsell is utilized to teach the use of the USB interface. Sampsell discloses a television and consumer device network which utilizes the IEEE 1394, USB and CEBUS to interconnect a number of diverse devices, updates from a pager system are displayed on the television in response to commands issued by a controller within a receiver (column 2, line 54-column 4, line 52, line 65-lcolumn 7, line 14). Sampsell inherently initializes automatic communications between devices because Sampsell makes use of the USB standard. A USB equipped device constantly polls devices on the network, thus discovering when a new device is added to the network, and then enables communications with that device. In the previous office action, the examiner took official notice that "automatic synchronization of data between devices is well known in the art (for example synchronizing email between a laptop and a home

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computer) (Page 2). Modifying Hoffmann to utilize a USB interface as taught by Sampsell, and to automatically synchronize data between different devices would yield a system in which data updates between devices are automatically transmitted from each program information database to the merged database.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,677 to Hoffman in view of U.S. Patent 6,052,556 to Sampsell.

Regarding claims 1, 8, and 10-16, Hoffman discloses a merged EPG database in which EPG information from a Telco interface, CATV database and DBS database are received via gateway/STB 110 in a CEBus network, menu generation device 426 creates a video signal for display of EPG information, a merged EPG guide is shown in Figure 9A/B (column 3, lines 20-column 4, line 60, column 5, lines 17-33, column 6, line 14-column 7, line 13, lines 44-67, column 8, lines 32-50, column 9, lines 12-28). Hoffman does not disclose initiating communications automatically between the set top box and an external source. Sampsell discloses a television and consumer device network which utilizes the IEEE 1394, USB and CEBUS to interconnect a number of diverse devices,

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updates from a pager system are displayed on the television in response to commands issued by a controller within a receiver (column 2, line 54-column 4, line 52, line 65-lcolumn 7, line 14). Sampsell inherently initializes automatic communications between devices because Sampsell makes use of the USB standard. A USB equipped device constantly polls devices on the network, thus discovering when a new device is added to the network, and then enables communications with that device. The examiner takes official notice that automatic synchronization of data between devices is well known in the art (for example synchronizing email between a laptop and a home computer). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Hoffman to include the bus systems of Sampsell thereby allowing automatic status updates between a number of devices, thereby allowing them to synchronize data.

Regarding claim 2, Sampsell discloses that a messaging pager 32 uploads received and stored messages to the receiver/display in response to commands by a controller within a receiver (column 3, lines 6-52).

Regarding claims 3-7, Sampsell discloses a television and consumer device network, which utilizes the IEEE 1394, USB and CEBUS to interconnect a number of diverse devices (column 2, line 54-column 4, line 52, line 65-lcolumn 7, line 14). The polling, communications, and autodiscovery functions of the USB bus occur whether or not a user interacts with a device, and also occur when a device is powered up. Additionally, the USB standard recognizes when the number of devices on a network has changed. The examiner takes official notice that automatic synchronization of data

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between devices is well known in the art (for example synchronizing email between a laptop and a home computer). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Hoffman and Sampsell to synchronize data automatically between devices, therefore assuring that only the most recent data would be available to a user.

Regarding claim 9, Sampsell discloses the use of IEEE 1394, PCMIA, USB and CEBus interfaces (column 3, lines 64-column 4, line 8). Sampsell inherently initiates communications in response to prestored configuration data identifying a peripheral device as identification information for a specific attached device must be stored, otherwise a control device would not know which device communications are intended for.

Regarding claims 19-20, Hoffman discloses a merged EPG database in which EPG information from a Telco interface, CATV database and DBS database are received via gateway/STB 110 in a CEBus network, menu generation device 426 creates a video signal for display of EPG information, a merged EPG guide is shown in Figure 9A/B (column 3, lines 20-column 4, line 60, column 5, lines 17-33, column 6, line 14-column 7, line 13, lines 44-67, column 8, lines 32-50, column 9, lines 12-28). Hoffman and Sampsell are silent regarding utilizing conditional access data to access EPG data from a second source. The examiner takes official notice that utilizing conditional access data to access a device on a network is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify

Hoffmann and Sampsell to utilize conditional access data to authorize access to a device on the network, thus prohibiting unauthorized users from accessing data.

Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,677 to Hoffman in view of U.S. Patent 6,052,556 to Sampsell and U.S. Patent 5,991,799 to Yen.

Regarding claims 17 and 18, Hoffman discloses a merged EPG database in which EPG information from a Telco interface, CATV database and DBS database are received via gateway/STB 110 in a CEBus network, menu generation device 426 creates a video signal for display of EPG information, a merged EPG guide is shown in Figure 9A/B (column 3, lines 20-column 4, line 60, column 5, lines 17-33, column 6, line 14-column 7, line 13, lines 44-67, column 8, lines 32-50, column 9, lines 12-28). Hoffman does not disclose initiating communications automatically between the set top box and an external source. Hoffman discloses that an online service provider may provide program information (column 6, lines 33-35), but does not disclose accessing the Internet for program information, or the use of a URL. Sampsell discloses a television and consumer device network that utilizes the IEEE 1394, USB and CEBUS to interconnect a number of diverse devices (column 2, line 54-column 4, line 52, line 65-column 7, line 14). Sampsell inherently initializes automatic communications between devices because Sampsell makes use of the USB standard. A USB equipped device constantly polls devices on the network, thus discovering when a new device is added to the network, and then enables communications with that device. The polling, communications, and autodiscovery functions of the USB bus are not user dependant



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and occur when a device is powered up. Additionally, the USB standard recognizes when the number of devices on a network has changed. The examiner takes official notice that automatic synchronization of data between devices is well known in the art (for example synchronizing email between a laptop and a home computer). Yen discloses a system 100, in figure 1, in which a tuner 111 is coupled to an Internet access point 112 via information multiplexer 120, access point 112, is capable of transmitting and sending information via HTTP and may request and receive electronic program guides via Internet 118 (column 4, line 63-column 5, line 53, column 6, lines 25-26). The examiner takes official notice that utilizing a URL, as access data to direct a computer to a location of stored data is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Byrne to include the bus systems of Sampsell thereby allowing automatic status updates between a number of devices, thereby allowing them to synchronize data and to utilize the Internet and a URL to receive program data as taught by Yen, an enable a user to retrieve program guide information on demand.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600